

ATTACHMENT C

TO PLAINTIFF'S MEMORANDUM IN SUPPORT OF MOTION
TO STRIKE THE EXPERT REPORT OF STEVEN WOLLACK

Deposition Transcript of Hendrick
Bessembinder (excerpts)

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

U.S. COMMODITY FUTURES)
TRADING COMMISSION,) Deposition of:
)
Plaintiff,) HENDRIK BESSEMBINDER
)
vs.)
)
ERIC MONCADA,) Civil No. 12-CV-8791
BES CAPITAL, LLC, and)
SERDIKA, LLC,)
)
Defendants.)

December 4, 2013 * 9:08 a.m.

Location:

United States Securities and Exchange Commission
Salt Lake District Office
15 West South Temple, Suite 1800
Salt Lake City, Utah 84101

Reporter: Reporter: Kathy Morgan, CSR, RPR

Utah License No. 259764-7801 Nevada License No. 357

Notary Public in and for the State of Utah

A P P E A R A N C E S

FOR THE PLAINTIFFS:

Andrew Ridnour, Trial Attorney
 Jennifer Diamond, Trial Attorney
 UNITED STATES COMMODITY FUTURES
 TRADING COMMISSION
 Division of Enforcement
 1155 21st N.W. Washington, D.C. 20581
 Tel: 202.418.5244
 jdiamond@cftc.gov

Present via teleconference:

Ken McCracken, Chief Trial Attorney
 UNITED STATES COMMODITY FUTURES
 TRADING COMMISSION
 Division of Enforcement
 1155 21st N.W. Washington, D.C. 20581
 Tel: 202.418.5244
 kmccracken@cftc.gov

FOR THE DEFENDANTS:

Richard M. Asche
 LITMAN, ASCHE & GIOIELLA, LLP
 140 Broadway
 New York, New York 10005
 Tel: 212.809.4500
 Fax: 212.742.8757
 richardasche@lagnyc.com

I N D E X

HENDRIK BESSEMBINDER:	PAGE
Examination by Mr. Asche _____	3
Examination by Mr. Ridnour _____	110

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
1	Expert report by Mr. Bessembinder _____	4

1 it and see whether you could determine whether there
2 was greater or lesser volatility?

3 A. Well, I mean, the whole point of using a
4 state-of-the-art statistical model is that you don't
5 fall into the million traps that can be involved in
6 trying to eyeball data, that you use all the data,
7 you let the data speak, you let it speak in a
8 scientifically valid manner. So no, I didn't eyeball
9 it. I used scientifically valid methods.

10 Q. Okay. And by the way, panel A is for
11 which days?

12 A. I believe that was the full sample, so
13 that would run us from the date in early August
14 through the end of November.

15 Q. Okay. Do you know whether the volatility
16 for the eight days in question here was greater or
17 lesser than average?

18 A. I did not look at that. I don't think it
19 would be very informative. There's a lot of things
20 going on in these markets in eight days besides
21 Mr. Moncada's trades.

22 Q. So you don't know whether there was
23 increased volatility on those eight days?

24 A. What I can say is there was increased
25 volatility around the time that he entered his orders